

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

MORGAN GREGORY ROBINSON, JR.,)
Petitioner,) 1:21CV771
v.) 1:05CR343-1
UNITED STATES OF AMERICA,) 1:05CR344-1
Respondent.

ORDER

On January 14, 2022, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections.

The court has reviewed Petitioner's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Case No. 1:05CR343 [Doc. #89]; Case No. 1:05CR344 [Doc. #68]), which is affirmed and adopted.

IT IS THEREFORE ORDERED that Petitioner's "Rule 60(b)" motion is construed as an attempt by Petitioner to file a second or successive § 2255 action.

IT IS FURTHER ORDERED that this action is dismissed due to Petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 and 2255 and Fourth Circuit Local Rule 22(d), and that, there being neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability not issue.

/s/ Thomas D. Schroeder
United States District Judge

March 22, 2022